



## REPORT OF INVESTIGATION

File Number: 05-047

Agency: Georgia Regional Transportation Authority

Basis for Investigation: Citizen Complaint

Allegations: Conflict of Interest

Date Opened: February 2005

Investigated By: Deborah W. Copeland, Deputy Inspector General  
James P. Walker, Deputy Inspector General

Date of Report: June 13, 2005

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James E. Sehorn, Inspector General

# OFFICE OF THE INSPECTOR GENERAL



File Number: 05-047

## EXECUTIVE SUMMARY

In January 2005, a complaint was filed with the Office of Inspector General requesting an investigation of Shaun Green, a Georgia Regional Transportation Authority (GRTA) employee. The complainant, Cole Cowden, alleged that Green was involved in a conflict of interest because he is a member of GRTA's Green Light Team, while also serving as President of the Home Park Community Improvement Association (HPCIA), representing the interests of his residential neighborhood in Atlantic Station. The complainant also insinuated the possibility of corruption by Green because of his relationship with employees of Jacoby Developers.

During the course of this investigation, the OIG reviewed official files and GRTA policies and procedures. Relevant state employees and other individuals were also interviewed. Cowden believed that because of Green's involvement, the Green Light Team failed in its mission as stated in GRTA's 2001 Annual Report. Cowden also had the perception that the Green Light Team's authority is more extensive; however, his perception is unfounded. Our investigation determined that Shaun Green has never been an official member of the Green Light Team. Our investigation also found that Green was completely forthright about where he lived and his extensive community involvement prior to accepting a position at GRTA. In fact, he was advised by his supervisor that it would not be a problem. Further, Cowden's allegation that Green took advantage of his official duties, status, powers or authority in order to obtain a professional or personal benefit is without merit.

This investigation has basically revealed that the complainant's personal interests are at odds with his neighbor, Green, a homeowner's association leader, who happens to be a State employee. When interviewed about supporting documentation or any evidence he had to support the allegation, the complainant admitted that the words he used within his written allegation "would get someone's attention." He had no substantive information indicating corruption.

The OIG makes the following recommendations to GRTA. The OIG requests that GRTA provide a written response regarding the implementation of these recommendations within 30 days of the issuance of this report.

- 1) Clearly define and publicize the mission and authorities of Green Light Team for enhanced public understanding.
- 2) GRTA management and their Advisory Committee on Conflicts should reevaluate Green's role with the Green Light Team. They should also evaluate potential assignments which could pose a liability to GRTA or any employee. Management and supervisors should review each situation (job assignments, collateral duties) carefully to ensure there is no conflict of interest, nor the appearance of such. Reviewers should assess the degree to which an activity may pose risk to the staff member, GRTA, and other affected entities. Answer the question: Could the proposed activity withstand public scrutiny?
- 3) Educate and reacquaint employees on GRTA's Conflict of Interest policy. In addition to new employee orientation briefings, periodically remind staff of this policy in order to promote awareness.



**Report of Investigation**

**File No. 05-047**

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## **I. BASIS FOR INVESTIGATION**

In January 2005, a complaint was filed with the Office of Inspector General requesting an investigation of Shaun Green (Green), a Georgia Regional Transportation Authority (GRTA) employee. The complainant, Cole Cowden (Cowden), alleged that Mr. Green was involved in a conflict of interest because he is a member of GRTA's Green Light Team, while also serving as President of the Home Park Community Improvement Association (HPCIA), representing the interests of his residential neighborhood in Atlantic Station. The complainant also insinuated the possibility of corruption by Shaun Green because of his relationship with employees of Jacoby Developers.

## **II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION**

In the process of investigating this complaint, the OIG reviewed official files and GRTA policies and procedures. Relevant state employees and other individuals were also interviewed.

## **III. NARRATIVE**

### ***Background:***

GRTA was created in 1999 to improve Georgia's mobility, air quality, and land use practices. GRTA partners with other state and regional agencies to prioritize transportation plans and programs.

### **GRTA's Green Light Team**

The Green Light Team is an informal committee first established in 2001 by former Governor Roy Barnes. It is an interagency group involved in redeveloping the abandoned Atlantic Steel Mill site into a major residential, commercial, and entertainment complex. The Green Light Team requires the cooperation of several state and federal agencies such as GRTA, Georgia Department of Transportation, Federal Highways, Federal Transit Authority, U.S. Environment Protection Agency, Atlanta Regional Commission, City of Atlanta, and several developers. One of the major developers of Atlantic Station is Jacoby Developers.

GRTA's role in the Green Light Team is to facilitate discussions between these various entities in order to mitigate traffic component issues in the area of Atlantic Station and the 17<sup>th</sup> and 14<sup>th</sup> Street bridges. The Green Light Team has been chaired by Green's supervisor, Marvin Woodward, for approximately two years. The Green Light Team meets about once a month at GRTA. The meetings are not open to the public.

The Green Light Team's purpose is explained in GRTA's Annual Report for 2001, with the following excerpt,

“The Green Light Team has kept the project on track by ensuring that the public agencies meet their commitments. GRTA staff also worked to assuage community concerns and avoid litigation. In 2001, the GRTA worked with GDOT on design changes to the bridge project to establish broader public acceptance of this new gateway to central Atlanta. GRTA will continue to use the “Green Light” model to create a new mindset of cooperation between government agencies and the private sector.”

### **Interview with Cole Cowden, Complainant**

Mr. Cowden stated that he is a resident of Atlantic Station and an active member of the HPCIA. He is also heavily involved in an organization called North Home Park Residents Coalition, which has incorporated itself separately and apart from HPCIA. Through the Coalition, Cowden has been extensively involved in a civil suit with the City of Atlanta relating to zoning conditions in and around Atlantic Station. Our investigation revealed that neither Shaun Green, nor the HPCIA were parties to the lawsuit. It was also revealed that the Green Light Team did not have a role in the litigation.

When asked if he had substantive information indicating corruption between Green and Jacoby Development, he stated he could only attest to seeing Green eat breakfast on one occasion with an employee of Jacoby Developers. He also admitted that it was most likely several years prior to Green’s employment at GRTA. When asked if he could provide any supporting documentation regarding his allegation that Green may have received gifts and gratuities from Jacoby Developers while acting in his role as a state employee, he again referred to the one occasion he saw Green eating breakfast with an employee of Jacoby Development. Cowden acknowledged that HPCIA is not the typical homeowner’s association in that it accepts money from outside sources for the betterment of the community. He stated that Jacoby Developers has contributed money in the past to HPCIA. When asked if Green acted inappropriately by accepting money from Jacoby on HPCIA’s behalf, Cowden stated that any money Green received from Jacoby Developers would have been via his official capacity as an officer of HPCIA would have been remitted to the Treasurer.

Cowden’s belief that a conflict of interest existed was somewhat influenced by the following statement taken from GRTA’s 2001 Annual Report. Cowden maintains that the Green Light Team did not “keep the project on track by ensuring that the public agencies meet their commitments nor did they work to assuage community concerns and avoid litigation.”

During the course of his interview, Cowden insinuated that Green had purposely placed himself in a position contrary to the interest of the homeowner’s association. Specifically, Cowden stated that Green had procured a position at GRTA, and “practically maneuvered” his way onto the Green Light Team for the purpose of influencing decisions that adversely affected the neighborhood.

When pressed for further documentation to support his allegation, Cowden admitted that he used words within his written allegation that “would get someone’s attention.”

### **Interview with Kirk Fjelstul, GRTA’s Chief Counsel**

When the complaint was received, the OIG contacted GRTA’s Chief Counsel, Kirk Fjelstul, because he is the agency’s Ethics Officer. Fjelstul stated that although an Ethics Officer typically handles these types of complaints, he would like the OIG’s assistance in conducting an independent review. He provided OIG copies of Green’s job description, GRTA’s Policy Manual Section VII-A-3 on Conflict of Interest, and arranged an OIG review of Green’s official personnel file.

GRTA’s Conflict of Interest policy applies to members of the Board of Directors and the Authority’s employees. The Code of Ethics is “intended to reflect and to some extent amplify, but not replace, existing laws and regulations of the State of Georgia governing ethics of its officials and employees and defining conflicts of interest.”

According to Fjelstul, GRTA is an organization with fewer than 40 employees. Because of its size and cost margins, GRTA uses every employee to the fullest. He stated that it is not uncommon for employees to be involved in a myriad of areas in addition to their normally assigned jobs. He stated that he was aware that Shaun Green had been asked by his supervisor, Marvin Woodward, to assist with the Green Light Team.

Fjelstul emphasized that GRTA’s Green Light Team’s role is to “facilitate” rather than to “enforce.” According to Fjelstul, neither Woodward nor Green is in positions of leadership, or in official positions to approve or disapprove any project that may be the topic of discussion during a Green Light Team meeting. Woodward is simply the chairman of the committee, and may have enlisted support of his employee, Green, in carrying out tasks associated with committee duties.

### **Interview with Marvin Woodward, GRTA’s Director of Projects & Engineering, & Chairman of the Green Light Team**

Woodward began working with GRTA in July 2002 as the Director of Projects and Engineering. In August 2003, he recruited to fill the position of traffic engineer within his division. Woodward stated that he selected and hired Green as a result of his professional experience with a large engineering firm based in Atlanta, and his formal education from Georgia Tech. Woodward stated that his involvement with the Green Light Team is minimal, and at most takes up “five percent of his time.” He stated that the meetings usually occur once a month or every other month, depending upon ongoing projects. There is a set agenda and GRTA maintains minutes of the meetings. He stated his primary goal is to facilitate answers to issues and ensure open communication among the affected agencies. Woodward emphasized GRTA’s

neutral position as facilitator and stated that typically decisions are made by the City of Atlanta and/or Georgia Department of Transportation.

Woodward stated that “as he found himself getting pulled away on other GRTA projects,” he asked Green, his only traffic engineer, to assist him with nominal tasks associated with the Green Light Team. According to Woodward, in the Spring of 2004, he had Green assist him by reviewing traffic counts relating to the proposed construction on the 14<sup>th</sup> Street bridge. The first meeting Green attended was March 25, 2004. Woodward stated that Green informed him during his initial interview, that he lives in the Atlantic Station neighborhood and serves in leadership positions with HPCIA. Woodward stated that Green also informed him that he was friends with some employees of Jacoby Development. According to Woodward, Green informed him that he met them in college and that they also reside in Atlantic Station. Woodward stated that Green is highly ethical and has never given any indication of misusing his state position within GRTA to influence any issue. Woodward stated that Green is extremely confident and trusts him to fulfill any assignment.

Woodward stated that he was disturbed by the complaint against Green and believes it may be a result of “neighborhood infighting.” He stated that in hindsight he probably should not have asked for Green’s assistance with regards to the Green Light Team meetings. He would not want anyone to have the impression that GRTA or an employee of GRTA was not a neutral party on a given issue. Woodward stated that Green is no longer involved with the Green Light Team since the complaint surfaced.

**Interview with Glenn Bowman, Assistant State Urban Design Engineer, Georgia Department of Transportation (GDOT), & Green Light Team member**

In an effort to determine the extent of Green’s involvement with the Green Light Team, the OIG spoke to various members of the team. The OIG interviewed Glenn Bowman, Assistant State Urban Design Engineer at GDOT. He is currently the GDOT representative assigned to work with GRTA on the Green Light Team.

Bowman advised that he knows and works with both Woodward and Green during Green Light Team meetings. He estimated that Green had attended approximately six meetings and recalled that he had chaired the meeting on one occasion during Woodward’s absence. Bowman stated that he knows Green to be a professional engineer who is “totally above-board.” He has never witnessed any behavior or action on Green’s behalf to suggest otherwise. Bowman described how he and other Green Light Team committee members depended on Green for insight as a resident and community leader in the Home Park/Atlantic Station community as well as his position as a GRTA engineer. Bowman provided examples of occasions wherein Green would preface responses to questions with phrases like, “I’m putting on my GRTA hat, even though I am the President of HPCIA” or “I’ll abstain from making comment on “x,”



in the event Green thought his opinion might be biased. Bowman stated emphatically that he had always witnessed Green carefully provide “separate and distinct advice” relative to where he lives and works.

Bowman stated that although the Green Light Team was established as an informal committee for the purpose of communication, each agency representative “knows their own normal role and responsibility.” He stated that to his knowledge, all committee members knew where Green lived and were aware of his role in HPCIA. Bowman said no one ever questioned Green’s ethics, and that Green’s role as a GRTA employee is to “facilitate effective communication” with no approval/disapproval authority on key issues.

### **Interview with Benn Buchan, State Urban Design Engineer, Georgia Department of Transportation (GDOT)**

The OIG also interviewed Benn Buchan, State Urban Design Engineer at GDOT. Buchan clarified that he is not a member of the Green Light Team as stated by the complainant; however, he knows Green and has worked with him on a limited basis on the Green Light Team and at GRTA. He stated that he never observed any improprieties on Green’s behalf.

### **Interview with Shaun Green, GRTA Transportation Engineer**

Shaun Green has worked for GRTA since August 2003. His current supervisor is Marvin Woodward. Green’s official duties include working in the planning, design and analysis of transportation systems and projects. Prior to working at GRTA, Green worked for URS, an internationally publicly traded engineering firm in Atlanta. He worked as a project engineer and manager for approximately seven years. According to Green, URS was a consultant to Atlantic Station and the State of Georgia on several projects, however, he was not associated with any of those projects.

Green stated that he sought out employment with GRTA in 2003 due to the fact that his previous employer, URS, was relocating outside the City of Atlanta to an area which would result in a longer commute for him. Green talked openly about his pride in the community and the fact that he is an “in-town” resident who can bicycle to work.

When questioned about the allegations from Cowden as to existing relationships with employees of Jacoby Development, Green offered the following statements. Green admitted that prior to his GRTA employment, he did in fact have breakfast on one occasion with a Jacoby employee. Green acknowledged his acquaintances with approximately three employees of Jacoby. He explained that he had met the individuals through his community involvement. He had also learned that one of the individuals attended the same college during the years he was a student.

Green emphatically denied any wrongdoing or intentional placing of himself in positions at GRTA that would adversely affect his residential community. When asked about the Green Light Team, Green stated that his involvement was “minimal.” He stated that since he is the only traffic engineer in his division, his supervisor asked for his assistance. He stated that he had attended approximately six meetings along with Woodward and had chaired one meeting in Woodward’s absence. He stated that GRTA’s role at the meetings was to “make sure balls don’t get dropped by any agencies involved in the process.”

Green stated that he was “upfront” with GRTA during his interview process concerning the fact that he was a homeowner in the Atlantic Station area since 1995. He also informed Woodward that he was an active member of Home Park Community Improvement Association (HPCIA). According to Green, HPCIA is not a typical residential homeowner’s association, but a 501(c)(3) organization with membership open to residents, renters, businesses and anyone with an interest in Home Park. Green stated that he has served in various elected leadership positions since 2001. He is currently the president of HPCIA. He acknowledged that he knows Cowden through the association and that Cowden also resides in his neighborhood. Green stated that Cowden has accused every HPCIA board member of accepting money from Jacoby Developers.

Green stated that he is very upset about the allegation, and hopes that it will not adversely affect his career or his future as a state employee.

#### **IV. CONCLUSION**

Our investigation determined that Shaun Green has never been an official member of the Green Light Team. Even when present at meetings, he had no decision making authority. Green’s involvement with the Green Light Team was limited to approximately six meetings in a period of approximately 18 months. During only one of the six meetings, Green was asked to chair the meeting during his supervisor’s absence.

Our investigation also found that Green was completely forthright about where he lived and his extensive community involvement prior to accepting a position at GRTA. In fact, he was advised by his supervisor, Woodward, that this would not be a problem. Further, the OIG found no evidence that Green took advantage of his official duties, status, powers or authority in order to obtain a personal benefit.

Cowden’s belief that Green has failed to represent the voting constituency of HPCIA and that he has used his position at GRTA to professionally enrich himself is without merit. Cowden believes that the Green Light Team has failed in their stated mission from the 2001 Annual Report, primarily because of Green’s involvement. His perception that the Green Light Team’s authority is more extensive is unfounded. Our investigation revealed that the Green Light Team’s actions have been in accordance with their main purpose which is “to

facilitate discussion among the involved agencies rather than make or enforce critical decisions. “

This investigation has basically revealed that the complainant's personal interests are at odds with his neighbor, Green, a homeowner's association leader, who happens to be a State employee. In addition to this complaint, Cowden has also directed complaints to the U.S. Environmental Protection Agency and the Internal Revenue Service. Cowden continues to maintain legal representation concerning issues he has with the City of Atlanta and their alleged failure to comply with court orders for traffic issues in his residential neighborhood of Home Park/Atlantic Station.

Again, Cowden admitted that he used certain buzz words in the text of the complaint; i.e. corruption, whistleblower, ethics violation, and conflict of interest, because he knew they would get someone's attention.

## **V. RECOMMENDATIONS**

Based upon our findings, the OIG offers the following administrative recommendations. The OIG requests that GRTA provide a written response regarding the implementation of these recommendations within 30 days of the issuance of this report.

- 1) Clearly define and publicize the mission and authorities of the Green Light Team for enhanced public understanding.
- 2) GRTA management and their Advisory Committee on Conflicts should reevaluate Green's role with the Green Light Team. They should also evaluate potential assignments which could pose a liability to GRTA or any employee. Management and supervisors should review each situation (job assignments, collateral duties) carefully to ensure there is no conflict of interest, nor the appearance of such. Reviewers should assess the degree to which an activity may pose risk to the staff member, GRTA, and other affected entities. Answer the question: Could the proposed activity withstand public scrutiny?
- 3) Educate and reacquaint employees on GRTA's Conflict of Interest policy. In addition to new employee orientation briefings, periodically remind staff of this policy in order to promote awareness.

## **VI. Referrals**

There are no referrals relating to this complaint.